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Centre against Apartheid

Notes and Documents

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SPECIAL COMMITTEE AGAINST APARTHEID CALLS UPON THE INTERNATIONAL COMMUNITY TO REAFFIRM ITS COMMITMENT TO THE PRINCIPLES SET OUT IN THE CONSENSUS DECLARATION ON APARTHEID

[Note: This issue contains excerpts from the Report of the Special Committee against Apartheid to the General Assembly at its forty-fifth session (A/45/22).]

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II. SITUATION IN SOUTH AFRICA

A. General political conditions

South Africa has entered a process of change that may lead to the end of apartheid through negotiations. The resistance of the majority of its people and international pressure have been instrumental in persuading the leadership of the National Party to move towards the eradication of the apartheid system and negotiations on a new constitution. A number of positive developments, in particular the lifting of the ban on political opposition organizations and the release of some political prisoners, including the leader of the African National Congress of South Africa (ANC), Nelson Mandela, and the talks between the ANC and the Pretoria régime, have contributed to removing some of the obstacles to negotiations.

Although President Frederik Willem de Klerk has introduced some significant measures in the right direction, the resulting changes that have occurred are far from being fundamental. Most of the pillars of apartheid remain, free political activity hardly exists and negotiations on a new constitution are yet to take place. While the régime has lifted the ban on ANC, the Pan Africanist Congress of Azania (PAC), the South African Communist Party (SACP) and other political organizations and has ended the state of emergency, it has failed to implement fully all the necessary conditions to create a climate conducive to negotiations as set out in the Declaration on Apartheid and its Destructive Consequences in Southern Africa (see General Assembly resolution S-16/1, annex). Indeed, as the Secretary-General noted in his report, dated 1 July 1990, "While it is evident that an important process has been set in motion [in South Africa], many believe that the Government should implement all measures in their totality to create the appropriate atmosphere". 1/

The wave of violence, particularly that engendered by groups associated with the apartheid structures and with the security forces and the extreme right, is a matter of extreme concern. It is threatening to delay if not derail the fragile process of change. A climate of peace in which free political activity can take place has been identified by the international community as a necessary condition for a negotiated resolution of the conflict. The pervasive violence is a strong factor in preventing previously banned organizations from effectively rebuilding their structures and impedes the development of a democratic debate on negotiations and a future constitution. The violence has both political and socio-economic dimensions - the political determinants of the violence are rooted in and sustained by underlying social and material conditions. This violence may ultimately serve the interests of the régime. As long as political organizations are unable to rebuild effective structures, the régime may hold an advantage that may ultimately allow it to set the pace of negotiations and even the terms of the constitutional dispensation itself.

A series of developments within and outside South Africa have shaped the

present political configuration. The election of President F. W. de Klerk contributed to the realization by the leadership of the National Party that the apartheid system was bankrupt and was leading the country to even further decline. Apartheid, in effect, became unworkable as a result of the pressure exerted on the régime by the continuing and concerted internal resistance and by the sanctions and boycott policies imposed by the international community.

The upsurge in popular resistance against apartheid, organized by the anti-apartheid forces in 1989, represented a decisive shift in the political balance, in favour of those seeking a democratic solution to the country's problems. A nation-wide campaign of defiance of apartheid laws galvanized opposition to such levels that could not be quelled except through massive levels of repression. In parallel with the continuing resistance, the country's economic situation was deteriorating as a result of sanctions. Financial pressure, in particular, exercised partly by governmental restrictive measures and partly by business decisions, deprived South Africa of capital to pursue the growth of its apartheid economy and to sustain a strong security apparatus.

The measures announced by President F. W. de Klerk on 2 February 1990 took place against a background of growing political defiance and economic decline. At the same time, the shifts in the balance of political forces in South Africa were strengthened by important developments within the international community. The progressive relaxation of tensions in international relations favoured solutions to regional conflicts through negotiations. The access of Namibia to independence in March 1990 is evidence of this trend in world affairs as is the ongoing process of negotiations concerning the conflicts in Mozambique and in Angola.

At a most appropriate timing the United Nations made a critical contribution to the process towards the peaceful end of apartheid. At the sixteenth special session of the General Assembly, held in December 1989, the Declaration on Apartheid and its Destructive Consequences in Southern Africa was adopted by consensus (see Assembly resolution S-16/1, annex). It was the first time that a substantive text on the situation in South Africa was adopted by all the members of the United Nations unanimously. Based largely on the Harare Declaration (see A/44/697, annex), the United Nations Declaration, for the first time, laid down internationally agreed steps towards a negotiating climate and fundamental principles for a united, non-racial and democratic South Africa. The United Nations Declaration also prescribed a programme of work by the international community, recognizing that pressure needed to be maintained on the régime to end apartheid and to begin negotiations for a new constitution.

The determination of ANC to find a negotiated solution to the conflict and the declared commitment of the authorities to such an objective have been important factors in moving the process along, present difficulties notwithstanding. The Groote Schuur and the Pretoria Minutes represent a significant shift in the situation in South Africa, particularly in light of the milestone decision of ANC to suspend the armed struggle. The agreement concerning the future release of political prisoners and the return of political exiles, as well as the review of existing security legislation, has laid the ground for further progress towards negotiations. Although PAC and

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other organizations have not yet been participants in the current talks, it is considered that their participation is necessary to ensure the success of the negotiating process.

The lifting of the ban on political parties and movements has led to a degree of mobilization unprecedented in South Africa's history, notwithstanding continuing restrictions. Along with their allies, namely: the trade union federations, youth and student organizations, women's groups, religious, sports and other bodies, the national liberation movements are attempting to rebuild their structures of organization and to lay the ground for a democratic debate on a new constitution for South Africa. The process is fraught with difficulties in light of the legacy of the violence of apartheid, which has for long prevented freedom of association and freedom of speech.

While the developments outlined above are overall encouraging, the reality of apartheid for the black majority has hardly changed. With the exception of the Reservation of Separate Amenities Act No. 49 of 1953, the institutional pillars of apartheid remain in place and have resulted in a high rate of unemployment, the housing and education crises and the dispossession of land. As the report of the Secretary-General points out: "Some of the data in the report illustrate vividly the grave social injustices that have been inflicted by apartheid on the black population. The Secretary-General would strongly endorse any measures aimed at redressing the social and economic imbalances ... Such measures would go a long way towards addressing effectively glaring inequalities ...". 2/

Although the recent measures announced by the régime are encouraging, the fundamental issue at stake, however, remains unchanged: will South Africa be transformed into a non-racial, united, democratic State or will the hegemony of the existing white minority bloc be entrenched in new and subtle forms? The issue of negotiations has now become a major site and instrument of struggle.

Developments in the recent period demonstrate that the international community needs to maintain the pressure on the Pretoria régime in order to accelerate the process towards negotiations on a new constitutional order for South Africa. With very few exceptions, the international community has retained a consensus on the need to maintain existing measures on South Africa until the process of change has become profound and irreversible. This was reaffirmed by the consensus resolution on apartheid (resolution 44/244) adopted by the General Assembly on 17 September 1990.

In the same vein, events in the southern African region indicate that the international community should increase its efforts to support the ongoing negotiations in Angola and Mozambique and to assist in the reconstruction of their economies that have been ravaged by Pretoria's acts of aggression and destabilization against them.

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VI. CONCLUSIONS AND RECOMMENDATIONS

A process of change has been set in motion in South Africa. However, continued efforts are necessary to ensure the realization of the ultimate objective, namely the eradication of apartheid. It is hoped that the current talks between the South African authorities and ANC, would lead to the removal of obstacles to negotiations, and to the adoption of a new constitution that will guarantee the establishment of a democratic and non-racial society in South Africa. The combined effects of the internal resistance and external pressures have brought the ruling National Party to the realization that the system of apartheid is unworkable and that political change is necessary to lead the country out of international isolation and economic stagnation.

In that context, the adoption of the Declaration on Apartheid and its Destructive Consequences in Southern Africa (General Assembly resolution S-16/1, annex), was a substantive contribution to the evolving process of political change. The international community's consensus expressed in that Declaration has become the yardstick with which the actions of the South African authorities and members of the international community are being assessed. The United Nations Declaration outlined the five steps that Pretoria should undertake to create the necessary climate conducive to negotiations, and made suggestions regarding the process of negotiations and the principles on which a new constitution should be based.

The South African authorities declared, earlier this year, their intention to eradicate apartheid and start negotiations on a new constitution. The measures announced by President de Klerk so far, and the understandings reflected in the Groote Schuur and Pretoria Minutes, resulted in the undertaking of some of the necessary steps, while the others have been implemented only partially. To date, relatively few political prisoners have been released, only a handful of exiles have been allowed to return with indemnity, the Internal Security Act and other repressive legislation have not yet been repealed or even revised, troops move in and out of the townships, and some political trials are still under way. Thus, while President de Klerk made a significant break with the past by lifting the ban and restrictions on political organizations and persons, and by ending the state of emergency, a climate conducive to negotiations has not yet been fully established.

Furthermore, although the measures taken so far have allowed ANC and PAC, as well as other political groups and persons, to transform their activities and begin to organize openly, political activity has been seriously thwarted by the continuing restrictions imposed by the authorities and by the continuing violence of forces opposed to the democratic transformation of the country. The continuing violence by the extreme right and certain elements of the security forces, in addition to the violent disputes among political organizations, are contributing to the destabilization of communities. Violence is becoming a threat to the fragile process of negotiations and could lead to the creation of a permanent conflict, the consequences of which will be grave.

There is no doubt that the process of change that South Africa is entering into is complex. The South African society is one still inflicted by extreme economic and social disparities, fears and frustrations. The absence of free political expression has prevented the development of a peaceful, democratic debate. Yet, it is fundamental that conditions for such a debate be created and that organizations be allowed the freedom to define further their political and economic programme for a post apartheid South Africa. In this context, the authorities in Pretoria have the responsibility to bring this violence to an end and to ensure that their security forces carry out their duties fairly and impartially.

It is disquieting, however, to see that the commitment of the new leadership in Pretoria is tempered by its apparent inability and/or reluctance to control those forces which draw their power from existing apartheid structures and oppose the current process of political change. The degree of commitment also appears to be influenced by political considerations involving the white electorate, and by attempts to keep economic power in the hands of the white minority through privatization and other means. It is also disturbing that the régime intends to remain in the "driver's seat" during the negotiating process. The National Party seems determined to continue ruling the country, steer the negotiations, and be a negotiating party, all at the same time. Against this background, it should be recalled that the United Nations Declaration calls for an agreement among the parties concerned on the mechanisms for the negotiations and on the role that the international community should play in the process.

It is also evident that the current process needs to be broadened to include all representative sectors of South African society. They should participate fully not only on matters related to the constitution, but should also be consulted on other crucial decisions, related to land issues and various social and economic programmes. The present glaring inequalities in wealth and income distribution, education, housing and health, mentioned also in the report of the Secretary-General (A/44/960 and Add.1-3), not only need to be addressed now but would also have to be dealt with by a future democratic government.

Beyond these measures, the fact remains that, in spite of some opening of political space, and the relaxation of press restrictions, an atmosphere free of violence, called for in the Declaration, has not yet been established in the country. ANC took the commendable step of suspending armed actions, and under the leadership of its Deputy President, fully engaged in pre-negotiation talks that have helped to improve the political climate in the country. The vision and perseverance of Mr. Nelson Mandela and of his organization have indeed been instrumental in promoting the present process of change in South Africa. Other parallel initiatives for consultations among churches, trade unions and business groups, local communities and other political and academic groups have also been helpful in promoting a climate of national reconciliation.

Under those circumstances, and taking into account that substantive negotiations have not yet started, it is obvious that the international community should maintain its vigilance and its pressure. In this context, the United Nations Declaration outlined a concrete programme of action for the

international community. This programme is based on the belief that pressure should be maintained on South Africa, until there is clear evidence of profound and irreversible changes in the country, bearing in mind the objectives of the Declaration. Undoubtedly, the support of the international community for the anti-apartheid forces in South Africa is indispensable, even crucial, and premature relaxation would be detrimental to the process of change and, thus, to the peaceful future of the country.

The Special Committee against Apartheid notes that with few important exceptions, this international consensus has been maintained, and, on the whole, the international community has not relaxed pressures. However, some disturbing trends are emerging. Quarters which were supportive of the anti-apartheid struggle, and others, which were always reluctant to impose sanctions, now seek justifications to lift them, ostensibly in order to encourage the efforts of President de Klerk.

While the European Community, as a whole, has adhered to the programme of action, the United Kingdom has taken some steps towards relaxing its own measures, and, along with Portugal, is reportedly advocating the lifting of some restrictive measures by the Community. While Germany's 3/ trade with South Africa was reduced somewhat in 1989, it remains the first trading partner of South Africa, followed by Japan and Italy. It is noteworthy that, in 1989, Italy emerged as the leading customer of South Africa with a 27 per cent increase of imports from that country, predominantly in gold, representing at least one third of all South African gold exports.

Even more disquieting, is the establishment of diplomatic and trade links of certain African and Eastern European countries with South Africa, manifesting an effective turn about in their policies vis-à-vis South Africa. There is a perceived contradiction, on the one hand, between the vigorous condemnation of apartheid by these countries and, on the other hand, their practical conduct in respect of the isolation of the apartheid régime by the international community. Hungary, a founding member of the Special Committee, was the first Eastern European country to establish certain relations with South Africa, followed by Poland and Romania (see para. 166 of the present report). Certain African countries, such as the Côte d'Ivoire, Madagascar, Mauritius and Zaire, have recently established or strengthened relations with South Africa. Furthermore, the opening of air links with South Africa by Côte d'Ivoire, Madagascar, in addition to Spain, are a blow to the isolation front and will have important economic and psychological effects.

In the economic field, South Africa experienced a relief in its balance-of-payments pressure resulting from its indebtedness, partly by the Third Rescheduling Agreement and by the decision of some banks to convert their South African loans to the "exit option". In addition, as shown in the report of the Secretary-General, dated 18 October 1990, on international financial pressure on the apartheid economy of South Africa (A/45/539), it appears that trade credit agencies from Germany, the United Kingdom, France and Japan, have provided substantial financial relief to South Africa. Although such credits cannot serve as a satisfactory substitute for other capital inflows, which presently are meagre, they can provide some assistance to Pretoria in the management of its external account. In this regard, the Special Committee is concerned with the Article IV consultations, held on 10

October 1990, between the International Monetary Fund (IMF) executive directors and the South African authorities and expects that both the IMF and the World Bank will adhere to the international consensus.

The decrease in the number of withdrawals of transnational corporations from South Africa, and the maintenance of non-equity ties, which allows the continuation of the flow of technology to South Africa, is another source of concern. Partial disinvestments by transnational corporations have been criticized by South African trade unions and led them to organize campaigns for fair disinvestment procedures that entail negotiations between them and the disinvesting transnational corporations on the terms of disinvestment.

Continued violations of the oil embargo have also weakened the effect of sanctions in an area where South Africa is quite vulnerable. Even of greater concern to the international community should be the reported violations of the mandatory arms embargo which allow Pretoria to pursue its arms production and to export its armaments through third party States. While the new Government in Chile has taken steps to cut such links, the continued collaboration of Israel with South Africa, particularly in nuclear and missile technology, raises serious concern. In this context, it is disturbing that the United Nations mechanisms dealing with the mandatory arms embargo have not been as effective in the case of South Africa as have been in other recent cases.

Overall, it becomes clear that sanctions, in particular financial ones, have imposed serious constraints on the South African economy, primarily through the dearth of loans and capital for investment. In this respect, the report of the Secretary-General on measures to monitor sanctions (A/45/670), concludes that the rather weak co-ordination in the application of sanctions and the different approaches to their implementation among Governments, have created a number of loopholes that can and have been used to evade sanctions and reduce their effectiveness. This would seem to be true both for the national measures adopted by individual States and for the measures adopted jointly by a number of Governments. The Secretary-General further notes that the monitoring process would be greatly enhanced if all States adopted enforcement mechanisms to prevent the violations of those measures.

It is, nevertheless, clear that the authorities in South Africa have become keenly aware that sanctions have limited their available options. Thus, at this stage of the fragile process of negotiations, it is crucial that the consensus be upheld on maintaining pressure. Any departure from that consensus could set the process back with dire consequences. To the extent that negotiations for a new constitution are delayed, the forces opposed to the democratic transformation of the country, such as the Conservative Party and the extreme right, who draw supporters also from the security establishment, will find the space to organize further and undermine the current process. The pressure of sanctions should therefore continue to hasten Pretoria's move towards real negotiations and the subsequent adoption of a new constitution heralding the establishment of a democratic and non-racial South Africa.

The process of change that South Africa has entered into is quite dynamic, complex, and fraught with difficulties. Consistency is, therefore,

essential to maintaining the unity of the international community on the eradication of apartheid. In that context, Member States should no longer adopt positions at the United Nations and later take action that is, indeed, contrary to those very same positions. The international community must remain clear that, unless profound and irreversible changes take place in South Africa, the possibility remains that apartheid will survive in some disguised form. Negotiations on a new constitution and the establishment of a united, non-racial and democratic South Africa are issues on which there is no compromise. They are indeed the demand of the majority of the people of South Africa, including whites and blacks, and of the international community.

Furthermore, the international community should undertake positive measures to assist the anti-apartheid forces of the country in general, and the return of exiles and the reintegration of released political prisoners, in particular. The effects of apartheid have been so profound and so pernicious both in South Africa and in neighbouring States that substantial efforts and material support will be required to erase them in the months and years to come. In view of the above, the Special Committee recommends to the General Assembly that it should:

(a) Reaffirm the principles, guidelines and programme of action contained in the Declaration on Apartheid and its Destructive Consequences on Southern Africa, adopted by consensus on 14 December 1989 at the sixteenth special session of the General Assembly;

(b) Recall General Assembly resolution 44/244, adopted by consensus on 17 September 1990 at its resumed forty-fourth session;

(c) Note the positive measures introduced thus far, and call upon the South African régime to undertake all the necessary measures, including the implementation of the Pretoria Minutes of 6 August 1990, to create a climate fully conducive to negotiations, as set out in the Declaration, in order to facilitate free political discussion, which is an essential condition to ensure that the people themselves participate in the process of remaking their country;

(d) Call upon the South African régime to repeal repressive legislation and to remove the pillars of apartheid;

(e) Reaffirm its full support for the current process towards negotiations in which the South African authorities and ANC are engaged;

(f) Express its grave concern at the violence in South Africa resulting primarily from the continued existence of the apartheid policies, practices and structures and actions of those opposed to the democratic transformation of South Africa; call for an immediate end to violence and urge the South African authorities to take action to end it, specifically by dismantling the apartheid structures, as well as by ensuring effective and impartial action by the security forces and call upon all parties concerned to contribute to the promotion and establishment of a climate free of violence;

(g) Reiterate that pressure must be maintained on South Africa, particularly with regard to restrictive measures on trade, investment and

finance, until the General Assembly determines that there is clear evidence of profound and irreversible changes, bearing in mind the objectives of the Declaration;

(h) Express its serious concern at the departures from the international consensus reflected in the programme of action of the Declaration by a number of Governments that have prematurely relaxed their restrictive measures and hastened to establish economic and other links with South Africa;

(i) Urge the Security Council to consider taking concrete steps for the stricter implementation of the mandatory arms embargo imposed by it in Council resolutions 418 (1977) and 558 (1984) in order to bring an end to the continued violations of the arms embargo;

(j) Deplore the actions of those States and organizations which directly and indirectly continue to violate the arms embargo and collaborate with South Africa in the military, nuclear, missile, intelligence, and technology fields;

(k) Renew the call upon all States to strictly implement the oil embargo against South Africa and to extend all necessary co-operation to the Intergovernmental Group to Monitor the Supply and Shipping of Oil and Petroleum Products to South Africa;

(l) Urge all governmental, private and international financial institutions to refrain from providing any financial support or favourable treatment to South Africa;

(m) Appeal to all Governments, organizations and individuals to refrain from any cultural, sports, academic and scientific relations that could have the effect of supporting the apartheid system, and to give appropriate assistance in those fields to the anti-apartheid forces and to the disadvantaged sections of South African society;

(n) Appeal to all Governments and organizations to increase all round support and assistance to the national liberation movements and other organizations engaged in the struggle against apartheid;

(o) Further appeal to all Governments and organizations to increase assistance to the front-line States, particularly to Angola and Mozambique, to enable them to reconstruct their economies devastated from years of destabilization;

(p) Urge the international community and the Secretary-General, through the relevant United Nations agencies, to provide all possible assistance to facilitate the re-establishment of previously banned political organizations in South Africa, as well as the reintegration of released political prisoners, and returning South African refugees and political exiles;

(q) Authorize the Special Committee against Apartheid, in accordance with its mandate and acting as a focal point, with the support services of the Centre against Apartheid, (i) to continue monitoring closely the situation in South Africa and the actions of the international community, particularly regarding the need for maintaining pressure on South Africa as called for in

the Declaration; (ii) to continue mobilizing international action against apartheid, inter alia, through collection, analysis and dissemination of information, liaison and consultation with Governments, intergovernmental and non-governmental organizations and relevant individuals and groups able to influence public opinion and decision-making, as well as through hearings, conferences, missions, publicity and other relevant activities;

(r) Appeal to all Governments, intergovernmental and non-governmental organizations, information media and individuals to co-operate with the Centre against Apartheid, and the Department of Public Information of the Secretariat, in their respective activities against apartheid, in particular in monitoring developments concerning international action against apartheid and in disseminating information on the situation in South Africa;

(s) Request the Secretary-General to ensure the co-ordination of activities of the United Nations system in the implementation of the Declaration on Apartheid, and to continue pursuing appropriate initiatives to facilitate all efforts leading to the peaceful eradication of apartheid;

(t) Take note of the conclusions and recommendations contained in Part two.

Notes

1/ Report of the Secretary-General, "Progress made in the implementation of the Declaration on Apartheid and its Destructive Consequences in Southern Africa" (A/44/960 and Add.1-3, para. 12).

2/ Ibid., para. 15.

3/ Through accession of the German Democratic Republic to the Federal Republic of Germany with effect from 3 October 1990, the two German States have united to form one sovereign State. As from the date of unification, the Federal Republic of Germany acts in the United Nations under the designation "Germany".

Courtesy of Centre against Apartheid